

REMARKS

Claims 1-12 are pending in the current Application. Claim 6 was found to be allowable if rewritten to be in independent form. Claims 1-5 and 7-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,721,412 issued to King et al (King) in view of Patent No. BE 876,855 A issued to Hendriks (Hendriks). Claims 8-10 contained objected to informalities that are addressed herein.

Response to 35 U.S.C. §112

Claims 8-10 were rejected under 35 U.S.C §112, second paragraph, as being indefinite. Specifically, the phrase “for example” in claim 8 was found to render the claim unclear. Claim 8 has been amended to eliminate the clause beginning with the words, “for example.” Claim 10 contained a limitation that did not have sufficient antecedent basis. Claim 10 has been amended to correct the antecedent basis. These amendments were made for purposes of clarity and not for purposes of overcoming prior art. Applicant respectfully submits that these claims are now in condition for allowance.

Response to 35 U.S.C. §103

Claims 1-5 and 7-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over King in view of Hendriks. Independent claim 1 has been amended to incorporate the limitations of claim 6 and is now in condition for allowance in accordance with the Examiner’s comments in his Office Action. Claims 2-5 and 7-12 depend from amended claim 1 and are therefore dependent on an allowed claim and are thus allowable. The comments below are with regard to new claims 13-23.

Referring to the instant invention, new independent claim 13 and the dependent claims thereof are directed to the embodiment shown in Figure 2. Independent claim 13 is directed to a landing stage for an offshore wind power installation. The landing stage includes a mooring location for ships, a landing area for helicopters, and a common route link from the mooring location and the landing area to the installation. The mooring location and the landing

area are on a common platform. The landing stage is positioned in relation to prevailing wind direction to be at the location of the wind power installation at the lee side thereof. As noted in the specification on page 6, lines 19-24, the force of wind and sea swell, both against the landing area and also against the mooring location, is broken by the pylon when wind is blowing from the prevailing direction. Additionally, as noted on page 4, lines 8-21, it is advantageous to have the landing stage oriented on the lee side of the wind power installation, because the air space above the landing stage is then outside the rotational range of the generator propeller (the plane of rotary movement of the generator propeller is perpendicular to the airspace above the landing stage). Furthermore, the helicopter and boats can advantageously come in to land on the landing area against the wind without being impeded by the installation.

King provides no teaching or suggestion of a landing stage positioned in relation to prevailing wind direction. To the contrary, King teaches an offshore escape platform and is silent with respect to wind considerations. Prevailing wind is not a consideration in the King invention because King is directed toward an escape platform for a *drilling platform*. In the instant invention, the landing stage is mounted to an offshore wind power installation whose generator is driven by a rotor that rotates at the tip of a pylon about a horizontal axis. (See page 3, lines 13-17) When the landing stage is oriented on the lee side of the wind power installation, the air space above the landing stage is outside the rotational range of the generator propeller. The drilling platform of King has no generator propellers of concern

Hendriks does not correct the deficiencies of King. The Examiner cites Hendriks to illustrate a “wind power generating facility with a foundation that is arranged on a seabed.” The Examiner concludes that “the arrangement of an escape platform on the lee side of an offshore installation would be considered to be obvious by one of ordinary skill in the art in order to minimize wave and wind action on said escape platform.” Applicant respectfully disagrees with the Examiner’s position. The instant invention is not simply teaching a wind power facility with a foundation arranged on a seabed. Hendriks does not teach or suggest a landing stage positioned in relation to prevailing wind direction. Further, the Examiner has not provided substantial evidence to support the Examiner’s conclusion of common knowledge in

the art. Applicant respectfully requests that the Examiner produce the authority for his statement.

With regard to the rejection of the claims under 35 U.S.C. §103 over King in view of Hendriks, King does not provide any suggestion of modifying the landing stage to provide a landing stage disposed at the lee side of the wind power installation, and Hendriks does not correct the deficiencies of King. An analysis under § 103 requires that the Examiner explain why, after assessing the level of those skilled in the art, the skilled artisan would have found the claimed subject matter, as a whole, to have been obvious. To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references, and there must be a reasonable expectation of success. MPEP § 706.02(j). The suggestion or motivation to make the claimed combination and a reasonable expectation of success must both be found in the prior art. *Id.* The Examiner cannot rely on hindsight as the basis for combining two references. If the references do not expressly or impliedly suggest the combination, “the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Id.* (*citing Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985)).

There is no teaching in either the King reference or the Hendriks reference with respect to positioning the landing stage at a lee side of the wind power installation. The Examiner has not provided any references that would suggest that the arrangement of the landing platform on the lee side of an offshore installation would be obvious. Rather, the Examiner has used impermissible hindsight to conclude obviousness. Further, even if the teachings of King were combined with the teachings of Hendriks, the resulting combination would not teach a landing stage disposed at the lee side of the wind power installation. Thus, claims 13-23 are patentable under §103 over either King or Hendriks or the combination of King and Hendriks.

Conclusion

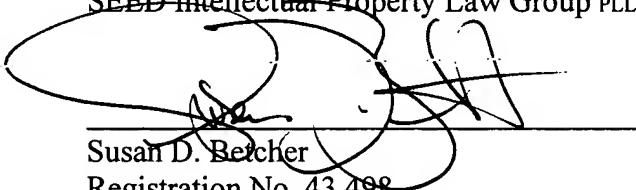
The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

In view of the above amendments and remarks, Applicants respectfully submit that all of the pending claims are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this Application and timely allow all pending claims. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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